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13 Attorneys for Defendant ARISTA NETWORKS, INC.

14 UNITED STATES DISTRICT COURT
15 NORTHERN DISTRICT OF CALIFORNIA
16 SAN JOSE DIVISION

17 CISCO SYSTEMS, INC.,

18 Plaintiff,

19 v.

20 ARISTA NETWORKS, INC.,

21 Defendant.

Case No. 5:14-cv-05344-BLF (NC)

**DECLARATION OF JOHN R. BLACK,
JR. IN SUPPORT OF ARISTA'S
RESPONSE TO CISCO'S SUBMISSION
RE PROTECTABLE ELEMENTS (ECF
552)**

Dept.: Courtroom 3 - 5th Floor
Judge: Hon. Beth Labson Freeman

Date Filed: December 5, 2014

Trial Date: November 21, 2016

1 I, John R. Black, Jr., declare as follows:

2 1. I am Associate Professor of Computer Science at the University of Colorado,
3 Boulder. I hold a Bachelor of Science from the California State University at Hayward (now
4 “California State University, East Bay”) in Mathematics and Computer Science, conferred in
5 1988. I received a Doctor of Philosophy in Computer Science from the University of California
6 at Davis in 2000.

7 2. Unless otherwise stated, the facts I set forth in this declaration are based on my
8 personal knowledge and expertise, or knowledge I obtained through my review of evidence
9 (including documents and deposition testimony) produced in this litigation and provided to me for
10 consideration, publicly available materials, or other investigation for purposes of my providing an
11 expert opinion in this matter.

12 3. I submit this declaration in support of Arista’s Response to Cisco’s Submission re
13 Protectable Elements (ECF 552). If called to testify as a witness, I could and would testify
14 competently to such facts, and my expert opinions set forth in the exhibits to this declaration,
15 under oath.

16 4. I have been retained to provide my expert opinions on issues related to Cisco’s
17 allegations of copyright infringement in this litigation, including matters relating to the
18 copyrightability of the asserted aspects of the asserted works, and matters relating to Arista’s
19 defenses to Cisco’s infringement allegations, including but not limited to *scenes a faire*, fair use,
20 copyright misuse, and words and short phrases. I also provided opinions in response to the
21 Opening Expert Report of Dr. Kevin Almeroth, dated June 3, 2016.

22 5. Attached hereto as Exhibit 1 is a true and correct copy of the Supplemental Expert
23 Report (“Black Supplemental Report”) I prepared in this action, which I signed on September 30,
24 2016 and is a true and correct expression of my opinions based on the facts I currently know.

25 6. Attached hereto as Exhibit 2 is a true and correct copy of Appendix O to the Black
26 Supplemental Report.

27 7. Attached hereto as Exhibit 3 is a true and correct copy of Appendix P to the Black
28 Supplemental Report.

1 8. Attached hereto as Exhibit 4 is a true and correct copy of Appendix Q to the Black
2 Supplemental Report.

3 9. Attached hereto as Exhibit 5 is a true and correct copy of Exhibit 7 to the Black
4 Supplemental Report.

5 10. Attached hereto as Exhibit 6 is a true and correct copy of Exhibit 8 to the Black
6 Supplemental Report.

7 11. Attached hereto as Exhibit 7 is a true and correct copy of Exhibit 9 to the Black
8 Supplemental Report.

9 12. Attached hereto as Exhibit 8 is a true and correct copy of Corrected Exhibit 10 to
10 the Black Supplemental Report.

11 Executed October 18, 2016, at Superior, Colorado.

12 I declare under penalty of perjury under the laws of the United States of America that the
13 foregoing is true and correct.
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JOHN R. BLACK, JR.